

REMARKS

Claims 1, 4-8, 10-20, 22, 24-28 and 31 are pending in the present application. Of these, claims 20-31 are withdrawn. By this Amendment, claims 1, 4, 10, 11, 13, 14, 16, 20, 24, 28 and 31 are amended. Claims 2, 3, 9, 21, 23, 29 and 30 are canceled without prejudice to or disclaimer of the subject matter contained therein. No new matter has been added.

Claim 1 is amended to include the features of claims 2, 3 and 9. Claims 20 and 28 are amended to include features, the lack of which was stated as the basis of the Restriction Requirement. Claim 20 is also amended to include the features of claims 21 and 23. Claim 28 is also amended to include the features of claims 29 and 30. Claims 4, 10, 11, 13, 14, 16, 24 and 31 are amended to revise their dependency resulting from the cancellation of claims 2, 3, 9, 21 and/or 29.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal if necessary. Entry is thus requested.

For the following reasons, reconsideration is respectfully requested.

I. ELECTION/RESTRICTION

On page 2 of the Office Action, a Restriction Requirement is applied as to new claims 20-31 added in the previous Reply dated April 22, 2005. It is stated in the Office Action that the non-withdrawn claims were constructively elected. The Office Action then withdraws from consideration, claims 20-31.

Withdrawal of the Restriction Requirement is requested because claims 20 and 28 are amended to recite a drying chamber for holding an object to be dried. The lack of this feature from claims 20 and 28 is stated as the basis for the Restriction Requirement. As both groups of claims recite the feature, withdrawal of the Restriction Requirement is respectfully requested.

Further, it is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP § 803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

II. REPLY TO REJECTIONS

On pages 3-6 of the Office Action, under 35 U.S.C. § 102(b), claims 1-5 are rejected over U.S. Patent No. 5,548,908 to Torborg et al. (hereinafter “Torborg”), U.S. Patent No. 5,363,569 to Kadakia (hereinafter “Kadakia”), and U.S. Patent No. 5,257,448 to Pearce et al. (hereinafter “Pearce”). Further, under 35 U.S.C. § 103, claim 6 is rejected over Torborg, Kadakia, and Pearce, in view of U.S. Patent No. 2,679,112 to Thompson (hereinafter “Thompson”); claims 7, 8, 18, and 19 are rejected over Torborg, Kadakia, and Pearce, in view of U.S. Patent No. 3,816,942 to Smith (hereinafter “Smith”); claims 9 and 10 are rejected over Torborg, Kadakia and Pearce, in view of U.S. Patent No. 3,784,273 to Nikolai (hereinafter “Nikolai”); claims 11, 12 and 14 are rejected over Torborg, Kadakia, and Pearce, in view of U.S. Patent No. 4,817,298 to Toma (hereinafter “Toma”); claim 13 is rejected over Torborg, Kadakia, and Pearce, in view of U.S. Patent No. 6,244,679 to Robertson et al. (hereinafter “Robertson”); claim 15 is rejected over Torborg, Kadakia, Pearce, in view of Toma, and further in view Robertson; and claims 16 and 17 are rejected over Torborg, Kadakia, and Pearce, in view of U.S. Patent No. 4,586,269 to St. Louis (hereinafter “St. Louis”). The rejections are respectfully traversed.

Claim 1 is amended to include the features of claim 9, and intervening claims 2 and 3. Consequently, the 35 U.S.C. § 102 rejection is overcome. As to the 35 U.S.C. § 103(a) rejection, it is respectfully submitted that none of the applied references or the combination of the references render obvious a drying apparatus with a cabinet-fixing flange comprising a pair of hanging protrusions formed on a rear surface, and wherein the mounting flange of the cabinet

has a pair of hanging holes for respectively receiving the hanging protrusions, as recited in claim 1.

As acknowledged on page 4 of the Office Action regarding claims 9 and 10, Torborg, Kadakia, and Pearce fail to disclose or suggest a cabinet-fixing flange with a pair of hanging protrusions and a mounting flange with a pair of hanging holes for respectively receiving the hanging protrusions. Nikolai, which is applied for the alleged teaching of the hanging protrusions and the hanging holes, fails to disclose the hanging protrusions - hanging holes pairing.

Nikolai, which does not show a drying apparatus, but a prefabricated cabinet which may be assembled, discloses a groove 43 in Fig. 9, rather than a hole. In the passages noted by the Examiner (namely col. 3, lines 64 through col. 4, line 17), Nikolai discloses a runner 65 with a vertical rear support 63 provided with a t-shaped spine 67. The spine 67 is disclosed as being received in the vertically aligned transverse grooves 43 that are formed on the rail 16 as shown in Fig. 9 (see, for example, col. 3, line 68 through col. 4, line 2 of Nikolai). As clearly shown in various views of Figs. 1, 4, 6, 7, and 8, the transverse groove 43 is trench-like, and is not a hole within the meaning of the word in view of the specification.

As readily shown in Fig. 5, and its related disclosure in paragraph [0030] of Applicant's specification, the holes are completely punched through. Thus, it is clear the groove 43 of Nikolai cannot reasonably be considered to be the hanging holes recited in claim 1.

Further, the combination of Nikolai with Torborg, Kadakia, or Pearce fail to render obvious claim 1 because the spine 67 of Nikolai is not formed on a rear surface of a cabinet-fixing flange and the groove 43 of Nikolai is not on a mounting flange of the cabinet, the flanges being part of a means for fixing a front support directly to a cabinet in a drying apparatus.

In view of these differences, none of Torborg, Kadakia, Pearce, or their combination with Nikolai disclose or suggest a pair of hanging holes for respectively receiving the hanging protrusions, as recited in claim 1. Moreover, none of the other references to Thompson, Smith, Toma, Robertson or St. Louis suggest the features. Consequently, claim 1 is patentable over the applied references and their combinations for the reasons discussed above.

Further, dependent claims 4-8, and 10-19, which depend from claim 1, are likewise patentable over the applied references and their respective combinations for at least the reasons discussed above and for the additional features they recite. Withdrawal of the rejections is respectfully requested.

III. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Seth S. Kim, at the telephone number listed below.

Serial No. 10/730,286
Reply to Office Action of June 1, 2005

Docket No. K-0590

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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